

TOP SECRET

8 October 1969

MEMORANDUM FOR THE RECORD

Morning Meeting of 8 October 1969

ADD/I briefed on the order of speakers at today's NSC meeting.

ADD/I noted receipt of a letter from Under Secretary Elliot Richardson in his capacity as Chairman of the Under Secretaries Committee announcing the formation of a back-stopping committee for SALT. ADD/I noted that our representative on this committee will be [REDACTED]

Godfrey reported that the Israelis have occupied an unoccupied island in the Red Sea near Al Ghurdagah. In response to the Director's question he noted that the only facility there is a lighthouse.

[REDACTED]

Godfrey briefed on three FAR raids on Monsanto subsidiaries in Guatemala.

D/ONE noted that NIE 11-3 will be distributed today rather than yesterday because of the failure of ink to dry during a damp day.

Maury briefed on Bill Woodruff's concern with respect to Senator McClellan's health.

Maury noted receipt of information from Pat Holt describing the roles of Pincus and Paul in support of Senator Symington's projected hearings on Laos, etc. Pincus will apparently run the show and formulate questions, with Paul analyzing the resulting material.

Maury briefed on his conversation with Frank Slatinshek with respect to the need for us to submit draft legislation to give our

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employees benefits equal to those enjoyed under the Daniels/McGee bill. A lengthy discussion followed, with the Executive Director briefing on why we must submit separate legislation and noting that it would probably be ill-advised to load too much on our draft in terms of special considerations. The Director concurred, with Maury noting that he will be meeting with the Executive Director and others to try to polish up an appropriate draft today.

25X1 DD/S&T noted that the [ ] CORONA bucket was received last night.

25X1 DD/P called attention to the Green Beret story contained in the current issue of Newsweek (attached) and expressed his concern that Secretary of the Army Resor was ostensibly quoted in a way which implied that the Agency was involved in this case. He suggested that [ ] give Newsweek a call to set the record straight. The Director noted that he is currently considering a related problem with respect to the New York Times and asked that no action be taken vis-a-vis Newsweek until such time as he has resolved the New York Times matter.

25X1 DD/P provided the Director with a report on the Kuala Lumpur [ ]

The Director noted that he will probably be meeting with those concerned on appropriate next steps in preparation for the Symington hearings. In this context the DD/P called attention to a State cable to Ambassador Byroade in the Philippines detailing Pincus and Paul's apparent tactics there.

The Director noted that Mr. McCone will be visiting us early next week.

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# The Green Berets Come Home

On a sultry afternoon last June, a CIA agent strode into Fifth Special Forces headquarters in the coastal city of Nha Trang and delivered an "eyes-only" message to Maj. David E. Crew, the camp's commander. Signed by a senior U.S. intelligence officer in South Vietnam, the message read: "Return agent to duty. If unable to do so, must inform [Gen. Creighton] Abrams and [Ambassador Ellsworth] Bunker. Has highest moral and flap potential." Unfortunately, the message came too late, for the agent in question was a Vietnamese named Thai Khac Chuyen—and Chuyen had "disappeared" the day before. "We're expert in a great many things," commented a top-ranking Special Forces officer after learning about the order, "but not the art of resurrection."

And so began one of the most bizarre episodes in the Vietnam war—the case of the eight Green Berets arrested last July 20 and charged by the U.S. Army with premeditated murder. For many Americans, the case came to symbolize the war itself. Beginning with an obscure and seemingly inconsequential incident, it unfolded through a series of mistakes until the glare of publicity and the clamor of public disapproval could no longer be ignored. Finally last week, Secretary of the Army Stanley R. Resor announced that all charges against the Green Berets were being dismissed because the Central Intelligence Agency—which was involved in the case—would not permit its agents to testify at a trial. "While it is not possible to proceed with the trials," Resor said in a statement that seemed close to a tacit admission of the Berets' guilt, "I want to make it clear that the acts which were charged, but not proven, represent a violation of Army regulations, orders and principles."

Within 24 hours, seven of the eight Green Berets had held a jubilant early-morning beer party in the Long Binh barracks where they had been confined, packed their bags and boarded a plane for the long trip home. Landing at Travis Air Force Base in California, they were met by a jostling throng of reporters and cameramen. In the ensuing news conference, Col. Robert B. Rheault, the former commander of the 3,000 U.S. Special Forces troops in South Vietnam, denied that a murder had occurred. Then he delivered a curious qualification. "War is a nasty business," Rheault said, "in which you assign a number of high-sounding objectives such as 'freedom' and 'defense against the evil aggressor' to justify killing people."

With that, the seven Green Berets flew off to rejoin their families and to make the agonizing decision of whether to stay in the military service after their 30-day leaves were up. Capt. Robert F. Marasco, the Beret charged by the Army as the officer who actually shot Thai Khac Chuyen, had already made up his mind. "I've had it with the Army," Marasco said. "I'm hurt and disappointed over the treatment we got." Marasco's lawyer, a flamboyant New Yorker named Henry Rothblatt, was even less reserved in expressing his feelings about the way the Army had handled the case. "I'm going to make Resor eat those words," he growled. "We don't play that way in a democracy. The whole dirty business stinks from the beginning."

**Film:** Few would disagree. According to most accounts, the affair began in May when members of the Special Forces' B-57 detachment, a unit specializing in clandestine across-the-border forays from South Vietnam, overran a Viet Cong camp in Cambodia and found a roll of undeveloped film. Upon processing, the film showed a man the Berets identified as Thai Khac Chuyen in the company of North Vietnamese officers. Since Chuyen worked for the Berets as an interpreter and low-level operative, he was in a position to provide extremely damaging information to the enemy. Thus, in mid-June he was picked up in Saigon and transferred to the Nha Trang headquarters of the B-57 detachment for interrogation. Using truth serum and lie-detector tests (and possibly more violent methods) the Berets soon determined to their satisfaction that Chuyen was a double—or "penetration"—agent.

Over the next few days, the Berets contacted the CIA and asked for advice in dealing with Chuyen. According to the Berets' story, the CIA mission chief in Saigon refused to take a hand in the matter and the CIA strongly implied that Chuyen would have to be murdered—"terminated with extreme prejudice" was the alleged phrase. Thus on June 20, according to the U.S. Army specifications against the Berets, the suspected double agent was bundled into a 30-foot-long boat, drugged with morphine, shot in the head and dumped in a weighted sack into a shark-infested area of the South China Sea. The CIA steadfastly denies that any of its agents knew of the Berets' intention to commit the murder and claims that it had advised the Berets not to kill Chuyen. In either case, the CIA learned that the actual assassination

had been carried out when one of the Berets, Sgt. Alvin L. Smith, reported the incident—presumably because he had disagreed with the decision to kill Chuyen and feared that the other Berets might kill him to prevent his talking.

**Masquerade:** The CIA then informed General Abrams of the matter, and he ordered Rheault to come up with an explanation. Rheault insisted that Chuyen was still alive—that, in fact, he had been sent on a mission into Cambodia. (To sustain this cover story, Rheault had a Japanese-American member of the Berets masquerade as Chuyen and leave the country in the presence of witnesses.) But Abrams knew the truth and, according to a widely accepted version of the story, he seized the opportunity to corner Rheault—a starchy paratroop officer to whom Abrams had taken a dislike. Not only did Abrams order the arrest of the Berets, but he may have violated the Uniform Code of Military Justice by confining the men to 5- by 7-foot cells and also Army regulations by failing to list Rheault as an officer in the imprisonment records.

When pressure from Washington began to build up, Abrams transferred the Berets to more comfortable quarters—but reportedly threatened to resign from his post if the Army failed to prosecute the case. In the meantime, for their pretrial hearing the Berets had lined up an impressive array of civilian defense attorneys—including Rothblatt, Edward Bennett Williams and F. Lee Bailey. Arriving in Saigon, Rothblatt gave the Army a taste of what was in store. "I've never seen a weaker case in all my life," he declared, and thereupon unleashed a barrage of motions for a mistrial.

**Toes:** Realizing that a public airing of the case could well jeopardize U.S. intelligence-gathering activities in Vietnam, CIA director Richard Helms insisted that the trial be called off. Soon President Nixon found himself involved in a classical squeeze, for no matter which way he moved, sensitive toes were sure to be stepped on. The result was that the Administration equivocated. Army Secretary Resor announced that the charges against the Berets were being dropped only ten days after he had publicly affirmed that they would be pressed. And to make matters worse, the White House, through Presidential press secretary Ronald Ziegler, first claimed that the matter was entirely in Army hands, then later admitted what everyone always assumed—that the President had indeed been "involved" from the first.

The President's decision to squash the case was perhaps inevitable. "It is simply unimaginable," said a CIA official in Washington, "that we could allow our chief of mission in Saigon to be grilled about his methodology by F. Lee Bailey." That may be true. But it was nonetheless deplorable that a case that had been so grossly mismanaged by the CIA and the U.S. Army would be permitted to pass into history without the scrutiny of an impartial public.